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Crl.O.P.No.20417 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 20417 of 2025

S.Tamizhselvi

Vs.

... Petitioner

1. The State represented by
Inspector of Police,
Virinchipuram Police Station,
Vellore District,
Crime No.86 of 2025.

2. Sundarrajan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records with respect to the First Information Report in Crime No.86 of 2025 on the file of the Virinchipuram Police Station, Vellore District, quash the same.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1



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ORDER

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2. The case of the prosecution is that the *de-facto* complainant is the tenant and the petitioner herein/A2 is the landlord. Due to landlord and tenant dispute, the petitioner herein along with other accused had demolished the superstructure made by the *de-facto* complainant without his consent. Hence, a complaint had been lodged and the same was registered as Crime No.86 of 2025 against the petitioner herein and other accused for the offences punishable under Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (hereinafter referred to as 'TNPPDL Act').

3. Learned counsel for the petitioner submitted that the petitioner is the absolute owner of the property situate in S.Nos.93/1 and 95/1 in Virinchipuram Village, Vellore District. She had rented the said vacant land to the *de-facto* complainant for constructing a godown to keep his construction material and a lease agreement was entered between them



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for a period of three years from 08.12.2018 to 31.12.2021.

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4. While that being so, the *de-facto* complainant had constructed a temporary non-permanent superstructure and utilized the same for his business. As the *de-facto* complainant had not paid the rent regularly, the petitioner taken over the possession of the said premises i.e., after expiry of the lease agreement on 31.12.2021. Since the said premises were not utilised thereafter, the construction got dilapidated and after much insistence, the super structure was demolished by the *de-facto* complainant himself.

5. It is the contention of the learned counsel for the petitioner that owing to the dispute between the petitioner and the *de-facto* complainant, the superstructure is said to have been removed, which is a private dispute and as such Section 3 of TNPPDL would not attract.

6. In support of his contention, the learned counsel for the petitioner relied upon the decisions of this Court in the case of (i) *A.Murugesan Vs. The State rep.by its the Inspector of Police, Tiruppur District (Crl.A.No.505 of 2018)*; and (ii) *Annamalai and*



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others Vs. The State rep.by the Inspector of Police, Salem

WEB COPIED (CrI.O.P.No.4120 of 2022).

7. On a perusal of the records, it is seen that due to landlord and tenant dispute, the petitioner/A2 had removed the superstructure made by the *de-facto* complainant and thereby caused damage and loss to the *de-facto* complainant and hence, a case in Crime No.86 of 2025 was registered against the petitioner/A2 and other accused for the offences punishable under Section 3 of TNPPDL Act. The main contention of the petitioner is that the dispute between the petitioner and the *de-facto* complainant is a private dispute and the complaint as such is not cognizable and hence, Section 3 of TNPPDL would not attract.

8. As per Sections 2 and 3 of TNPPDL Act if any loss or damage to any property i.e., public or private properties caused during private dispute between two individuals falls under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 as amended by Act 46 of 1994.

9. For better appreciation, it would be relevant to extract the



Sections 2 and 3 of TNPPDL Act as follows :

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"2. Definitions -

In this Act, unless the context otherwise requires, -

(1) "Government" means the State Government;

(2) "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (Central Act XL V of 1860);

(3) "political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.

(4) ["Property" means any property, movable or immovable or machinery owned by or in possession of, or under the control of any person including-]

(a) the Central Government; or

(b) the State Government; or

(c) any local authority; or

(d) the Tamil Nadu State Electricity Board; or

(e) any University in this State; or

(f) any co-operative society including a land development bank registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1983; or

(g) any corporate body constituted under any Act passed by Parliament or the Legislative Assembly of this State; or

(h) any other corporation owned or controlled by the Central Government or the State Government; or



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- (i) any institution, concern, or undertaking; or*
- (j) any company*

3. Punishment for committing mischief in respect of [property] – Whoever, -

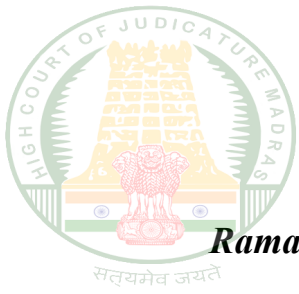
(i) commits mischief by doing any act in respect of any property and thereby cause damage or loss to such property to the amount of one hundred rupees or upwards, or

(ii) commits mischief by doing any act which causes or which he knows to be likely to cause a diminution of the supply of water to the public or to any person for any purpose or an inundation of, or obstruction to, any public drainage, or.

(iii) commits mischief by doing any act which renders any public road, bridge, navigable channel, natural or artificial impassable or less safe for travelling or conveying property, shall be punished with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine;

Provided that the Court may, for any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year."

10. Further, the Hon'ble Division Bench of this Court in the case of ***Mangalanatha Durai Vs. State Through the Inspector of Police,***



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Ramanathapuram (CrI.R.C.(MD).No.869 of 2022 dated 08.06.2023) has

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held that even loss or damage to private properties caused during private disputes between two groups or individuals can be investigated and tried under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 as amended by Act 46 of 1994.

11. Therefore, the decisions cited supra referred by the petitioner is not applicable to the present case.

12. In the instant case, the Court has to see whether *prima facie* case has been made out against the petitioner. A reading of the complaint and F.I.R. it is seen that *prima facie* there are allegations made out against the petitioner to proceed with the case further. The grounds taken by the petitioner is nothing but a defence, which can be agitated only before the trial Court after filing of the charge sheet. Therefore, the Criminal Original Petition is dismissed. It is open to the petitioner to take all her defence before the trial Court, after filing the charge sheet.

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Index : Yes/No



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Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.

2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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